Petilioners

* ZONING COMMISSIONER

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (detached garage) to be located on a corner lot with a side street setback of 2 feet in lieu of t). required placement in the onethird of the rear yard farthest removed from any street, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Martin Nyman, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 8250 Beachwood Road, is a triangular-shaped corner lot consisting of .19 acres more or less zoned D.R. 5.5 and is located in the Chesapeake Bay Critical Areas hear Back River. Said property is improved with a single family dwelling. Testimony indicated the Petitioners have constructed a garage in the side yard due to the location of the existing dwelling and one hundred year old oak trees. Petitioner testified the requested variance will not result in any detriment to the health, safety or general welfare of the surrounding community. Testimony further indicated to require strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship upon him.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or preasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Pe "tioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, лючетенt, a: 'activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this $\mathcal{Y}\mathcal{U}$ day of June, 1989 that the Petition for Zoning Variance to permit an accessory structure (detached garage) to be located on a corner lot with a side street setback of 2 feet in lieu of the required placement in the one-third of the rear yard farthest removed from any street, in accordance with Petitioner's Exhibit 1, be and is

- 3-

hereby GRANTED, subject, however, to the following restrictions which and conditions precedent to the relief granted herein:

1) The Petitioners are hereby-made aware that pro- $_{\rm sr}$ ceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their

> Coming Commissioner for Baltimore County

The second secon

JRH:bjs

BALTIMORE COUNTY, MARYLAND

DATE: June 12, 1989

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

FROM: Mr. Robert W. Sheesley SUBJECT: Petition for Zoning Variance - Item #408 Martin and Linda Nyman Property

Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 8250 Beachwood Road in North Point. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area.

APPLICANT PROPOSAL

The applicant is proposing to construct a 280 square foot garage in the rear yard adjacent to Beechwood Road.

The applicant has requested a Zoning Variance from Section 400.1 "To allow an accessory structure (detached garage) on a corner lot with a 2 ft. side street setback in lieu of in the 1/3 of the rear yard farthest removed from the side street."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a findings which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- 3. F tablish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."
 - <COMAR 14.15.10.01.0>

Mr. J. Robert Haines June 12, 1989 Page 2

REGULATIONS AND FINDINGS

1. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the ? " <COMAR 14.15.02.04 C.(7)>.

- 2-

Finding: The sum of all man made impervious areas, as shown on the site plan equals 15% of the total lot.

2. Regulation: "If no forest cr developed woodland exists on a proposed site these sites shall be planted to provide a forest or developed woodland cover of at least 15% of the site." <COMAR 14.15.02.04 C.(5C)>

Finding: The site contains developed woodland which equals 30% of the site.

3. Regulation: "Infiltration of storm water shall be maximized throughout the site, rather than directing flow to single discharge points" (Baltimore County Code, Sec. 22-217(a)2>.

- a. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- Booftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).
- 4. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." (Balto. Co. Code Sec. 22-98)

Finding: No tidal or non-tidal wetlands were found on this site. Wetlands exist on sites several hundred feet west of the property line and will not be impacted by the proposed development.

Mr. J. Robert Haines June 12, 1989 Page 3

CONCLUSION

Upon compliance with the above requirements, this project shall be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

> Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

RWS:DCF:ju Attachment

cc: The Honorable Ronald B. Hickernell The Honorable Norman R. Lauenstein The Honorable Dale T. Volz

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Mr. & Mrs. Martin R. Nyman 8250 Beachwood Road Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE NW/Corner Beachwood Road at Beachwood Road - (8250 Beachwood Road)

12th Election District - 7th Councilmanic District Martin R. Nyman, et ux - Petitioners Case No. 89-525-A

Dear Mr. & Mrs. Nyman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

JRH:bjs

cc: People's Counsel

File

comments dated June 12, 1989, attached hereto and made a part hereof.

June 27, 1989

Zoning Commissioner

Dennis F. Rasmussen

7. Robert Haines

J. ROBERT HAINES Zoning Commissioner for Baltimore County

Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4 Annapolis, Maryland 21404

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CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

ZONING DESCRIPTION

Beginning on the Southwest side of Beachwood Road at the southwest

corner of Beachwood Road. Teing Lots 4A & 5A in the subdivision of

the 12th Election District.

887-3353 Notice of Hearing

The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Avenue

cated at 111 W. Chesapeake Avenus Towson, Maryland as follows:
Petition for Zening Yarfanca CASE NUMBER 89-525-A MWC Beachwood Road at Beachwood Road 8250 Beachwood Road 12th Election District 7th Council Beachwood Bistrict Petitionage 8250 Beachwood Boad 12th Election District 7th Council Beachwood Bistrict Petitionage 8250 Beachwood Bistrict 7th Council Beachwood Bistrict Petitionage 8250 Beachwood Bistrict Petitionage 8250 Beachwood Bistrict Petitionage 8250 Beachwood Bistrict Petitionage 8250 Beachwood Bistrict Bist

Petitiemer(s): Martin R. Nymen, et ux HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at

2:00 p.m. Variance: To allow an accessory structure (detached garage) on a com-

er lot with a 2 ft. side street setback

in lieu of the 1/2 of the rear yard farth-

est removed from the side street.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writ-ing and received in this office by the

date of the hearing set above or pre-

sented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of
Baltimers County

Beachwood. Book 10, Folio 123. Also known as 8250 Beachwood Road in

19 89 May 25,

THIS IS TO CERTIFY, that the annexed advertisement of Robert Haines in the matter of Zoning Hrgs. Case # 89-525-A - P.O. #12571 - Req. #M30919 - 81 lines @ 40 was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week 1989 ; that is to say, the same was inserted in the issues of May 25, 1989

Kimbel Publication, Inc.

per Publisher.

89-525-A CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

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BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Zoning Commissioner FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

ZOMAN WITH

Case No. 89-525-A Item No. 408

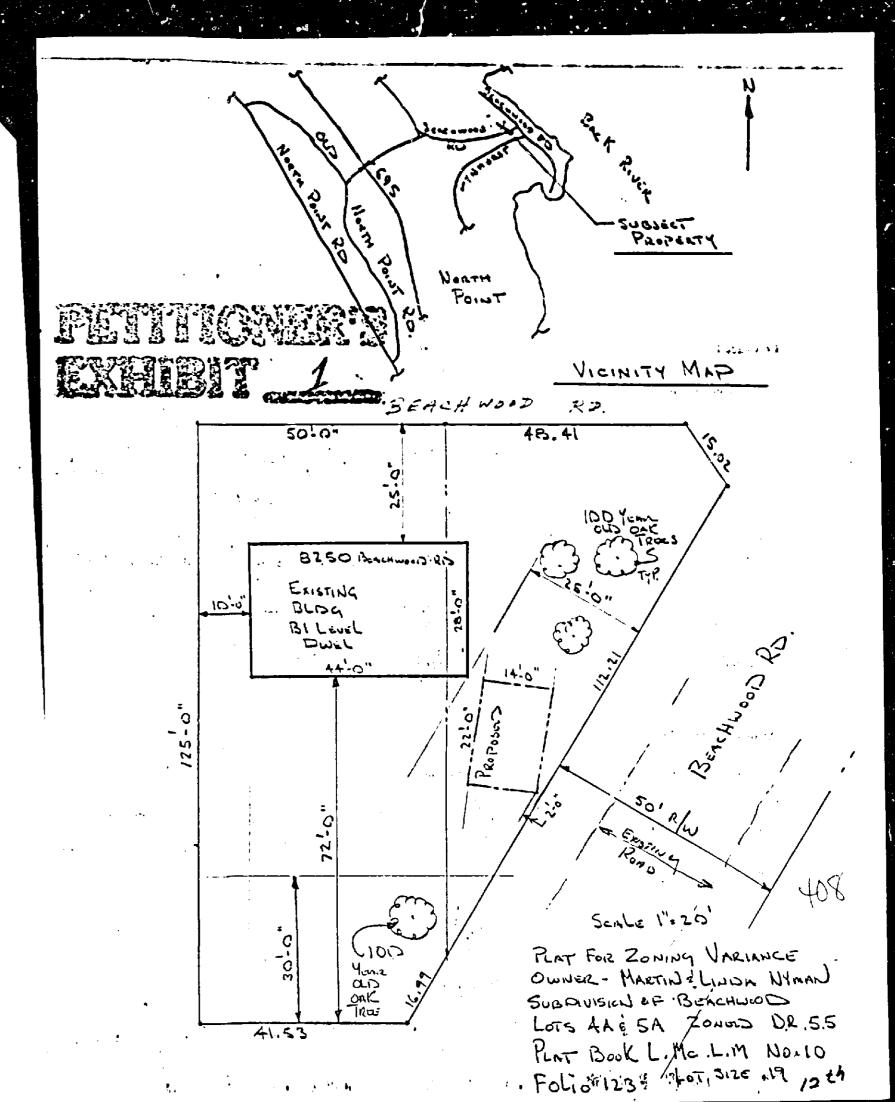
Re: Martin R. Nyman, et ux

The Petitioners request a variance to allow an accessory to structure (garage) on a corner lot with a 2 foot side street setback in lieu of the required third of the lot farthest removed from any street. In reference to this request, staff offers the following comments:

The site lies within the Chesapeake Bay Critical Area. No notation exists in this office's file to determine if Critical Area requirements by Department of Environmental Protection Resource Management have been satisfied.

The garage has already been constructed. The entrance is from the west side of the garage and the area to the south, adjacent to West side of the garage and the area to the south, adjacent to Beachwood Road is paved with crusher run. This office recommends that crusher run be removed from the area south of the garage and shrubbery be planted there.

A:62289.txt Pg.5



Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines Zoning Commissioner

May 15, 1989

NOTICE OF HEARING

Dennis F. Rasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-525-A NWC Beachwood Road at Beachwood Road 8250 Beachwood Road

12th Election District - 7th Councilmanic Petitioner(s): Martin R. Nymen, et ux HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 2:00 p.m.

Variance: To allow an accessory structure (detached garage) on a corner lot with a 2 ft. side street setback in lieu of the 1/3 of the rear yard fartherst removed from the side street

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. . Robert House

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

